

TWENTY-THIRD DAY

(Thursday, February 26, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis

Absent—Excused

Kelley McDonald

A quorum was announced present.

The invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father, in this world of sin, suffering, and sorrow, may we not be as little children walking wilfully and blindly in the dark; but may we discover and walk in the light which is the life of all men. May thy presence among us be like the Rose of Sharon, the Lily of the valley, the Fairest among ten thousands, and altogether lovely. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator McDonald was granted leave of absence for today, on account of illness, on motion of Senator Martin.

Senator Kelley was granted leave of absence for today, on account of important business, on motion of Senator Shireman.

Executive Session

On motion of Senator Bracewell, and by unanimous consent, the Sen-

ate agreed to hold an executive session at 10:37 o'clock a. m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be members of the Board of Directors, Texas College of Arts and Industries, for six-year terms to expire August 31, 1957: O. E. Van Berg of Mercedes, Hidalgo County; John F. Lynch of Corpus Christi, Nueces County; D. E. Blackburn of Victoria, Victoria County.

To be Branch Pilot for the Galveston Bar and Houston Ship Channel, for term to expire December 4, 1954: I. E. Wicker of Harris County.

To be members of the Texas Board of Chiropractic Examiners, for six-year terms to expire August 4, 1957: Dr. John Glasin of Galveston, Galveston County; Dr. L. K. Griffin of Fort Worth, Tarrant County; Dr. R. S. Florence of Tyler, Smith County.

To be a member of the Texas Civil Judicial Council, to fill the vacancy created by resignation of Judge Atwood McDonald (ex officio member): Clyde Grissom of Eastland, Eastland County.

To be members of the State Finance Commission, for terms to expire February 1, 1959:

Banking Section—Walter Taylor of Coleman, Coleman County; Frank Spring of Friona, Parmer County;

Building and Loan Section—Lacy Boggess of Fort Worth, Tarrant County.

To be a member of the State Finance Commission, to fill the unexpired term of Honorable J. O. Gillham, resigned: Joe Van Cleave of Royse City, Rockwall County.

To be members of the Board for Texas State Hospitals and Special Schools, for six-year terms to expire February 15, 1957: Durwood Manford of Smiley, Gonzales County; James

Marvin Windham of Livingston, Polk County; Rufus Higgs of Stephenville, Erath County.

To be Judge of the 128th Judicial District, to fill the unexpired term of Judge F. W. Hustmyre (to retire) effective March 1, 1953: Homer Stephenson of Orange, Orange County.

To be members of the Board of Regents of Lamar State College of Technology, to fill the unexpired term of Glenn H. McCarthy, resigned, term to expire October 5, 1953: J. B. Morris of Beaumont, Jefferson County;

To fill the unexpired term of Dr. Almer M. McAfee, resigned, term to expire October 5, 1955: John W. Me-com of Houston, Harris County;

For six-year terms to expire October 6, 1957: Ernest R. Winstel of Port Arthur, Jefferson County; W. R. (Bob) Smith of San Antonio, Bexar County; Dr. A. P. Beutel of Freeport, Brazoria County.

To be a member of the Livestock Sanitary Commission, for six-year term to expire May 4, 1957: Ben H. Carpenter of Dallas, Dallas County (designated as Chairman).

To be a member of the Board of Directors of the Lower Colorado River Authority, for terms to expire January 1, 1955 (to fill unexpired term of Bower Crider, resigned): Alex Waugh of Bastrop, Bastrop County.

To be members of the Board of Directors of the Lower Colorado River Authority, for terms to expire January 1, 1959: A. B. Spires of Austin, Travis County; E. A. Arnim of Flatonia, Fayette County; Percy T. Brigham of Blanco, Blanco County; Guiton Morgan of Austin, Travis County.

To be members of the State Board of Naturopathic Examiners, for six-year terms to expire October 5, 1957: Dr. J. P. Knoblauch of San Antonio, Bexar County; Dr. J. M. Peery of San Benito, Cameron County.

To be members of the State Board of Plumbing Examiners, for six-year terms to expire May 28, 1957: J. C. Oliver of Tyler, Smith County (sanitary engineer); Norman Henne of New Braunfels, Comal County (master plumber).

To be members of the Texas Prison Board, for six-year terms to expire

February 2, 1959: H. E. Treichler of Newgulf, Wharton County; Fred W. Shield of San Antonio, Bexar County; Reverend George Beto, Austin, Travis County.

To be members of the Board of Regents for State Teachers Colleges, for terms to expire January 10, 1959: W. H. Frank Barnes of Terrell, Kaufman County; Frank White of Groveton, Trinity County; Jack Woodward of Dallas, Dallas County.

To be members of the Board of Directors of Texas Southern University, for terms to expire February 1, 1959: Dr. W. R. Banks of Prairie View, Waller County; Price Crawley of Ranger, Eastland County; Ralph Lee of Houston, Harris County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:55 o'clock a. m.

Appointment of Committee to Escort Mrs. Ashton to Joint Session

The President announced, pursuant to the provisions of S. C. R. No. 16, the following as a committee to escort Mrs. Eve Ashton to the Joint Session.

Senators Kelley, Bracewell, Phillips, Fuller, Kazen and Moffett.

(Senator Aikin in Chair.)

Reports of Standing Committees

Senator Bell submitted the following reports:

Austin, Texas,
February 26, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 1, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that Committee Substitute for S. J. R. 1, in lieu thereof, do pass and be printed.

BELL, Chairman.

C. S. S. J. R. No. 1 was read the first time.

Austin, Texas,
February 26, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

BELL, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 96, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 97, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 98, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 99, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 100, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that in lieu thereof, Committee Substitute do pass and be printed.

MOFFETT, Chairman.

C. S. H. B. No. 100 was read the first time.

Senator Martin submitted the following reports:

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 31, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 108, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Corbin:

S. B. No. 181, A bill to be entitled "An Act authorizing and directing the execution and delivery by the Board of Directors of Texas Technological College, acting by the Chairman of the Board of Directors thereof, of a right of way easement to certain land in Lubbock County, Texas, to the State Highway Commission of the State of Texas, for the construction and maintenance of a State Highway

across the campus of Texas Technological College; and declaring an emergency."

To the Committee on Counties and County Boundaries.

By Senator Corbin:

S. B. No. 182, A bill to be entitled "An Act amending Chapter 185, Acts of the Regular Session of the 48th Legislature, 1943, so as to authorize the Board of Directors of Texas Technological College at Lubbock, Texas, to select and convey to the City of Lubbock, a municipal corporation of Lubbock, County, Texas, a tract of land, etc.; and declaring an emergency."

To the Committee on Counties and County Boundaries.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 332, A bill to be entitled "An Act amending Chapter 280, Acts of the 51st Legislature, Regular Session, 1949, relating to promotion and development funds for navigation districts containing a city having a population of 300,000 or more, by increasing the percentage of income which may be set aside for the promotion and development fund; and declaring an emergency."

S. C. R. No. 17, Commemorating the 50th Anniversary of the Texas Agricultural Extension Service, etc.

S. B. No. 11, A bill to be entitled "An Act providing for the establishment, location and construction of State Hospitals for tuberculosis patients, naming the same and providing for the care, treatment, and support of tuberculosis patients; establishing and providing for a permanent institution at the East Texas State Tuberculosis Hospital, near Tyler, Smith County, Texas; making the necessary appropriations for such purposes; and declaring an emergency."

(With amendments.)

H. B. No. 275, A bill to be entitled "An Act to amend Sec. 16, Article 8308, Revised Civil Statutes of 1925,

repealing all laws or parts of laws in conflict, providing a savings clause; and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act authorizing County Commissioners Courts to compensate constables and deputy constables for transportation or furnish adequate transportation within the State; providing for sworn statements covering such transportation; providing that this Act shall be severable; repealing all laws in conflict with this Act; and declaring an emergency."

H. C. R. No. 35, Making certain corrections in H. B. 60.

H. C. R. No. 36, In memory of Mrs. Leola Moss Cage.

The House has concurred in Senate amendments to H. C. R. No. 18 by viva voce vote.

The House has concurred in Senate amendments to H. C. R. No. 20 by viva voce vote.

H. B. No. 249, A bill to be entitled "An Act amending Section 5 of the Acts of 1943, Forty-eighth Legislature, page 94, Chapter 68, as amended by Acts of 1947, Fiftieth Legislature, page 792, Chapter 393, being Article 5172a, Vernon's Texas Statutes, exempting employees of banks; and declaring an emergency."

(With engrossed riders.)

S. B. No. 112, A bill to be entitled "An Act amending Section 5, Chapter 171, Acts 1947, 50th Legislature, so as to make the General Laws of Texas relating to maintenance taxes and bonds of independent school districts incorporated under Title 49, Revised Civil Statutes, as amended, applicable to independent school districts created under Chapter 171, Acts 1947; providing for repeal of all laws in conflict therewith; and declaring an emergency."

H. B. No. 269, A bill to be entitled "An Act to amend Chapter 53, Acts of the 37th Legislature, 1921, as amended by Chapter 163, Acts of the 38th Legislature, 1923, and Chapter 626, Acts of the 47th Legislature, 1941, by providing that Eastland County shall be added to the 90th Judicial District; providing a method for transferring cases to the 90th District Court; providing that process issued, bonds and recognizances

made in certain cases shall be valid and returnable to the 90th District Court; providing that the 90th District Judge and District Attorney shall continue in office; repealing certain laws to the extent of their conflict; and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act to clarify and amend the Laws of Texas relating to Optometry, by amending Chapter Ten (10), Title Seventy-one (71) of the Revised Civil Statutes of Texas, 1925, and Articles 4552, 4553, 4558, 4559, 4561, 4562, 4563, 4564, 4565c, 4565d, 4565f, 4565h, and 4566-1 of the Revised Civil Statutes of Texas, 1925, as amended, and Articles 735, 736, and 738a of the Texas Penal Code, 1925, defining the profession of optometry; prescribing qualifications for board members; specifying subjects of examinations; providing methods of conducting examinations; providing for the recording of licenses; providing for the registration and display of licenses; providing grounds for refusal of and cancellation of licenses and procedure for appeal; providing for duties of licenses; regulating the practice of optometry; prescribing unlawful acts; providing for branch offices, fees and registrations; prohibiting prizes and premiums in connection with the practice of optometry; prohibiting corporate practice; specifying acts constituting penal offenses in connection with the practice of the profession of optometry; declaring legislative intent; repealing all laws and parts of laws in conflict with this Act and declaring that the remainder of this Act shall not be affected by the unconstitutionality of any part thereof; and declaring an emergency."

(With engrossed rider.)

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 105

Senator Corbin offered the following resolution:

Whereas, The honorable Carl Rountree and his charming wife are visiting in the Capitol today; and

Whereas, Judge and Mrs. Rountree are prominent citizens of Lamesa, Dawson County, Texas; and

Whereas, Judge Rountree is a former member of the Texas Legislature, an outstanding leader in the legal pro-

fession of this State and a leader in civic affairs; now therefore, be it

Resolved, By the Senate of the State of Texas, that Judge and Mrs. Rountree be heartily welcomed and that they be granted the privileges of the floor for the day.

The resolution was read and was adopted.

Motion to Adjourn at Conclusion of the Joint Session

On motion of Senator Hardeman, the Senate agreed to adjourn at the conclusion of the Joint Session until 10:30 o'clock a. m. on Monday, March 2, 1953.

Joint Session

The presiding officer at 11:00 o'clock a. m. announced pursuant to the provisions of S. C. R. No. 16 the time had arrived for a Joint Session to hear an address by Mrs. Eve Ashton, National President of the American Legion Auxiliary.

Accordingly, the President and Senators present repaired to the Hall of the House of Representatives.

The Senators were announced at the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

Mrs. Ashton, Mrs. Marian Blieden, State Department President of The American Legion Auxiliary; Mr. Albert Brown, State Commander of The American Legion; and other members of her party were announced by the Doorkeeper. They were escorted to the Speaker's rostrum by Senators Kelley, Bracewell, Phillips, Fuller, Kazen and Moffett on the part of the Senate and Representatives Berry, Moore, Murphy, Miller, Bates of Harris, Baker, Henderson, Yancy and Elliott on the part of the House.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's stand.

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House announced the purpose of the Joint Session and requested the members of the House to register. A quorum of the House was announced present.

The Speaker of the House presented

Senator Searcy Bracewell. Senator Bracewell introduced Mrs. Marian Blieden of Houston, Texas, Department President of The American Legion Auxiliary of the State of Texas to the Joint Session.

The Speaker of the House then presented Senator Jimmy Phillips. Senator Phillips introduced and presented Mrs. Eve Ashton, National President of The American Legion Auxiliary to the Joint Session.

Mrs. Ashton addressed the Joint Session.

Adjournment

At the conclusion of the Joint Session, the President at 11:26 o'clock a. m. announced pursuant to a motion previously adopted the Senate would stand adjourned until 10:30 o'clock a. m. on Monday, March 2, 1953.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

TWENTY-FOURTH DAY

(Monday, March 2, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent—Excused

Fuller	Weinert
Russell	

A quorum was announced present.

The invocation was offered by the

Reverend W. H. Townsend, Chaplain, as follows:

Our Father Who Art in Heaven, we thank thee for a day of worship in song, sermon, and service. We pray now that we may begin, continue, and end this day with thee; remembering always that, "Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God." We pray in Christ's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 26, 1953, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today, on account of illness, on motion of Senator Martin.

Senator Fuller was granted leave of absence for today and the remainder of the week, on account of important business, on motion of Senator Shireman.

Senator Russell was granted leave of absence for today, on account of important business, on motion of Senator Wagonseller.

Independence Day Address by Senator Dorsey Hardeman

On motion of Senator Martin, and by unanimous consent of the Senate, Senator Hardeman was invited to give an Independence Day address commemorating March 2.

Senator Hardeman addressed the Senate.

At the conclusion of the address, on motion of Senator Bell and by unanimous consent Senator Hardeman was requested to reduce his remarks to writing and that they be printed in the Journal.

Bills and Resolution Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

S. C. R. No. 17, Commemorating the 50th Anniversary of the Texas Agricultural Extension Service.

S. B. No. 112, A bill to be entitled "An Act amending Section 5, Chapter 171, Acts 1947, 50th Legislature, so